

## REMARKS

Claims 1, 18, and 63 have been amended. Therefore, claims 1-31 and 63 are pending in the present application and are respectfully submitted for reconsideration.

Claims 1-31 and 63 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,093,718 to Hoarty et al. ("Hoarty") in view of U.S. Patent No. 5,506,902 to Kubota ("Kubota"). The Applicants respectfully note that independent claim 1 has been amended and recites, in part, a library comprising an electronic collection of electronic books, ordered and transmitted electronically via the transmitter and a menu generator that determines whether to generate a menu of the books located in the collection based on at least one of a menu based on a subscriber entered selection and a default menu. The Applicants submit that none of the cited references discloses or suggests at least a system for transmitting and receiving text comprising a library comprising an electronic collection of electronic books, ordered and transmitted electronically via a transmitter and a menu generator that determines whether to generate a menu of the books located in the collection based on at least one of a menu based on a subscriber entered selection and a default menu.

Therefore, Applicant respectfully submits that claim 1 is allowable over the cited prior art for at least this reason. Similar to claim 1, independent claim 18 has been amended to recite, in part, a method for distributing text material comprising processing an electronic order for one or more electronic books,

Application Serial No.: 09/237,827  
Attorney Docket No.: 026880-00013

transmitting the electronic order over a transmission medium, storing the textual data at the subscriber's location, and determining whether to generate a menu of the books located in the electronic collection based on at least one of a subscriber entered selection or a default menu.

Independent claim 63 has also been amended to recite, in part, a system for transmitting and receiving text in response to the transmission of an electronic order comprising means for storing an electronic collection of the received electronic signal containing a representation of textual data and means for determining whether to generate a menu of the textual data located in the electronic collection based on at least one of a subscriber entered selection and a default menu. As amended claims 18 and 63 contain similar limitations to those in amended claim 1, the Applicants submit that claims 18 and 63 are likewise allowable.

Claims 2-17 and 19-31 depend from claims 1 and 18 and include further limitations. As claims 1, 18, and 63 are allowable, the Applicants submit that claims 2-17, and 19-31, which depend from claims 1 and 18 are likewise allowable for at least this reason.

Application Serial No.: 09/237,827  
Attorney Docket No.: 026880-00013

### Conclusion

For all of the reasons set forth above, Applicants respectfully submit that each of claims 1-31 and 63 recites subject matter that is neither disclosed nor suggested in the cited art. Applicants therefore respectfully request that claims 1-31 and 63 be found allowable and that this application be passed to issue.

If for any reason, the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper has not been timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300 referencing Attorney Docket No. 026880-00013.

Respectfully submitted,



Wilburn L. Chesser  
Registration No. 41,668

Customer No. 004372  
ARENT FOX, PLLC  
1050 Connecticut Avenue, N.W., Suite 400  
Washington, D.C. 20036-5339  
Tel: (202) 715-8434  
Fax: (202) 857-6395

Application Serial No.: 09/237,827  
Attorney Docket No.: 026880-00013